

JOURNAL OF THE HOUSE.

Tuesday, October 12, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, the Ultimate Source of Goodness and Truth, we begin each day and each legislative session with a firm intention of serving You and the people, whom we represent, in a conscientious and thoughtful manner. As elected officials the people in our communities depend upon our objective legislative decisions, our clear vision of the future and our capacity to utilize correctly the knowledge which this informative age offer to us. In these complex and uneasy times, help us to build trust and confidence in each other and in our institutions. Inspire us to be open to You, Your ways and values.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Arthur
and Geraldine
Fair.
Mary K.
Goode.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Arthur and Geraldine Fair;

Resolutions (filed by Messrs. O'Brien of Kingston, Straus of Mattapoisett and Howland of Freetown) congratulating Mary K. Goode on the occasion of the dedication of the Mary K. Goode School; and

Cape Cod Boys
and Girls Club.

Resolutions (filed by Representatives Patrick of Falmouth, Atsalis of Barnstable, Gomes of Harwich and Turkington of Falmouth) congratulating the Boys and Girls Club of Cape Cod on supporting the "Lights on After School!" program;

Mr. Miceli of Wilmington, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Hynes of Marshfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Renewable
energy.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel E. Bosley relative to renewable energy. Under suspension of the rules, on

motion of Mr. Rodrigues of Westport, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Energy. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the open meeting law and the conflict of interest law (House, No. 4884), reported, in part, asking to be discharged from further consideration of the message from His Excellency the Governor, recommending legislation relative to authorizing the State Ethics Commission to provide exemptions from the conflict of interest law (House, No. 4113),— and recommending that the same be recommitted to the committee on State Administration. Under Rule 42, the report was considered forthwith; and it was accepted.

Open
meeting
law,
study.

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 5091, a Bill to clarify a certain tax deduction (House, No. 5104), which was read.

Tax
deduction,
clarify.

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Linda J. Magno, an employee of the Department of Mental Retardation (see House, No. 5031, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Linda J.
Magno,
sick leave
bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill creating a community and economic development authority in the town of Wareham (see House, No. 4566, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Reconsideration.

Mr. DeLeo of Winthrop moved that the vote be reconsidered by which the House, on Thursday last, adopted an amendment recommended by the Governor to the engrossed Bill relative to the transportation of certain persons (see House, No. 5083, amended); and the motion to reconsider prevailed.

Students,
transportation.

The same member then moved that the vote be reconsidered by which the House, at said sitting, accepted a report of the committee

Students,
transportation.

on Bills in the Third Reading relative to the form in which said amendment was to be considered; and the motion prevailed. On the recurring question, the report was rejected.

The bill then was recommitted to the committee on Bills in the Third Reading, on further motion of Mr. DeLeo.

Subsequently said committee reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 74 of the General Laws is hereby amended by striking out section 8A, as most recently amended by section 130 of chapter 149 of the acts of 2004, and inserting in place thereof the following section:—

Section 8A. A town where a person resides who is admitted to a day school in another town under section 7, shall, through its school committee, when necessary, provide for the transportation of such person, and shall, subject to appropriation, be entitled to state reimbursement to the full extent of the amount so expended; provided, that such a town where a person is placed by the department of social services or the trustees of the Massachusetts training schools who is admitted as aforesaid to a day school in another town shall similarly provide for the transportation of such pupil to such school and shall, subject to appropriation, be entitled to state reimbursement to the full extent of the amounts so expended; provided further, that no transportation shall be provided for, or reimbursement made on account of, any pupil who resides less than 1½ miles from the school which he attends. A town shall not be required under the provisions of this section to provide for the transportation of a person who has completed the twelfth grade of school or the equivalent thereto.”.

The report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

Orders of the Day.

Senate bills

Directing the Commissioner of Revenue to accept certain applications for abatement (Senate, No. 1786);

Authorizing Barnstable County to administer the repair, replacement and upgrade of septic systems (Senate, No. 2123); and

Relative to the Community Development Authority in the city of Marlborough (Senate, No. 2440, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Authorizing deferment of the Hale Hospital deficit notes by the city of Haverhill (House, No. 4735); and

Establishing a presumption relative to the disability retirement of a certain firefighter in the city of Salem (House, No. 5094);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill authorizing part-time employment at Quincy College by employees of the city of Quincy (Senate, No. 2387, amended) was read a second time; and it was ordered to a third reading.

Second
reading
bill.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next
meeting.

At nineteen minutes after eleven o'clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

Third
reading
bills.